

## EXHIBIT A

### AFFIDAVIT OF DANIEL DUDLEY

STATE OF OHIO            )  
                                  )SS: **Affidavit of Daniel Dudley**  
COUNTY OF LUCAS        )

I, Daniel Dudley, having first been duly sworn upon my oath, do hereby state as follows:

1. I have personal knowledge of all matters stated herein.
2. I am a resident of the State of Ohio.
3. I am the managing member of the Toledo Radio, LLC ("Toledo Radio"). I have held this position since 2010.
4. Toledo Radio is a for-profit corporation, incorporated in, and doing business in, the State of Ohio.
5. Toledo Radio operates a radio station in Toledo, Ohio, known as 107.7 "The Wolf", and a website for the same at <http://www.1077wolf.com/>.
6. On that website, Toledo Radio routinely posts news stories about upcoming country music concerts, to inform visitors about upcoming events in the area. This is done regardless of whether Toledo Radio sponsors or otherwise has a role in the concert, and has never been done for financial benefit.
7. On or about March 11, 2013, Toledo Radio became aware that Willie Nelson was coming to Sylvania to play a show at Centennial Terrace later that year.

8. On or about March 11, 2013, an article about Willie Nelson's upcoming show was published to Toledo Radio's website. A photograph of Willie Nelson accompanied this article. It is unknown where the copy of the Nelson Photo that was posted came from.
9. Toledo Radio was paid to promote Willie Nelson's concert on the radio – a total of \$1,296.25 for 61 on-air commercials (a rate of \$21.25 per commercial, after discounts).
10. Toledo Radio was not paid to promote the concert on the website.
11. Toledo Radio has never been paid to put any information on its website, including the notifications about upcoming concerts.
12. The concert was promoted as a JNP Concert Production and part of the White Family Dealerships Concert Series.
13. Toledo Radio did not put on, or otherwise sponsor the concert. I believe that the concert was put on by a competing Country Music radio station.
14. Toledo Radio does not to business with the White Family Dealerships, nor has Toledo Radio ever done business with the White Family Dealerships.
15. Toledo Radio did not receive any financial benefit from the posting of the article itself, or the posting of the Nelson Photo alongside the article.
16. It is Toledo Radio's practice to only post photos on its website that it believes are not copyrighted.
17. Toledo Radio does not post any photographs or other items when it has reason to believe that the item is copyrighted – for example, if it has a watermark or a notation requiring attribution.
18. No person or representative of Toledo Radio was aware that the Nelson

Photo was copyrighted work at the time it appeared on Toledo Radio's website. Per Toledo Radio's standard practice, if the Nelson Photo had a notation requiring attribution, Toledo Radio would not have used that photo.

19. Toledo Radio had no reason to believe that the placement of the Nelson Photo on its website constituted an infringement of copyright. Per Toledo Radio's standard practice, if the Nelson Photo had a notation requiring attribution, Toledo Radio would not have used that photo, and would have used one of the other thousand photos of Willie Nelson available online which was not copyrighted.
20. Toledo Radio did not know that the Nelson Photo was copyrighted until it was contacted by the Plaintiff in late 2014.
21. At that time, Toledo Radio offered to provide attribution to Plaintiff for its use of the Nelson Photo, but he refused attribution and sought monetary damages.
22. Toledo Radio did not remove or alter any copyright management information from the Nelson Photo.
23. As the managing member of a radio station, I am somewhat familiar with certain copyright restrictions that must be followed when playing music on the radio. I am not, however, familiar with the copyright laws pertaining to the posting of pictures on websites.

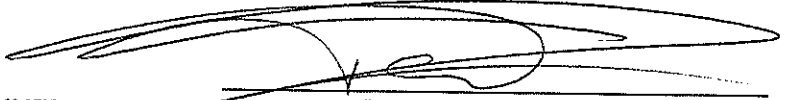
**Further affiant sayeth naught.**

  
Daniel Dudley

Sworn to before me and subscribed in my presence this 11 th day of April, 2016.



THOMAS P. TIMMERS  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.

  
Notary Public, State of Ohio